

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 No. 12-md-02409-WGY

4
5
6 In Re: NEXIUM (ESOMEPRAZOLE)
7 ANTITRUST LITIGATION
8
9

10 *****

11
12 For Hearing Before:
13 Judge William G. Young

14 Afternoon Motion

15
16 United States District Court
17 District of Massachusetts (Boston)
18 One Courthouse Way
19 Boston, Massachusetts 02210
20 Wednesday, October 29, 2014

21 *****

22 REPORTER: RICHARD H. ROMANOW, RPR
23 Official Court Reporter
24 United States District Court
25 One Courthouse Way, Room 5510, Boston, MA 02210
bulldog@richromanow.com

A P P E A R A N C E S

BRUCE E. GERSTEIN, ESQ.

Garwin Gerstein & Fisher, LLP

1501 Broadway, Suite 1416

New York, NY 10036

Email: Bgerstein@garwingerstein.com

For plaintiffs

JAMES D. BALDRIDGE, ESQ.

Venable, LLP

575 7th Street, N.W.

Washington, DC 20004

Email: Jdbaldrige@venable.com

For Ranbaxy defendants

1 P R O C E E D I N G S

2 (Begins, 3:30 p.m.)

3 THE CLERK: Now hearing 12mdl02409, In re Nexium.

4 MR. BALDRIDGE: Good afternoon, your Honor.

5 THE COURT: Good afternoon.

6 You're resisting these subpoenas?

7 MR. BALDRIDGE: If I may explain, I think I can
8 make that make sense to you.

9 THE COURT: No, I need an answer to my question.
10 You're resisting?

11 MR. BALDRIDGE: One of them, yes.

12 THE COURT: Oh, one of them. Which one will you
13 bring?

14 MR. BALDRIDGE: Ms. Fales is the one we're
15 resisting and -- and if I may be heard, your Honor?

16 THE COURT: Help me out.

17 So Deshmukh we're going to get?

18 MR. BALDRIDGE: Yes, sir.

19 THE COURT: Excuse me. Okay, Fales you're
20 resisting.

21 Why didn't you take Fales's deposition?

22 MR. GERSTEIN: Judge, we had to make choices
23 during the discovery process and --

24 THE COURT: Why should I protect you now?

25 MR. GERSTEIN: Well, I think that Fales is a

1 critical witness as the case is developing and I think
2 it's important for the jury.

3 THE COURT: Yeah. Fine. Fine. I'm not going to
4 require them to produce Fales. There may well be a cost
5 to you though.

6 Now you understand with experts here, I'm getting
7 the bases for the experts' opinions first. If she's
8 critical -- I rather think not, but if she's critical,
9 so no expert can base anything on anything that came
10 from Fales because we need what she has to say about
11 this matter.

12 Now, if Deshmukh can do it or other witnesses, um,
13 your experts can base what they have to say on that, but
14 not on Fales.

15 And you're okay with that, Mr. Baldridge?

16 MR. BALDRIDGE: I totally understand and we have
17 no reliance upon Ms. Fales.

18 THE COURT: Fine. Deshmukh could be produced.
19 The motion to quash as to Fales is allowed.

20 All right. We'll recess.

21 (Ends, 3:35 p.m.)
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, RICHARD H. ROMANOW, OFFICIAL COURT REPORTER,
do hereby certify that the foregoing record is a true
and accurate transcription of my stenographic notes
before Judge William G. Young, on Wednesday, October 29,
2014, to the best of my skill and ability.

/s/ Richard H. Romanow 10-29-14

RICHARD H. ROMANOW Date